

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

HERBERT J. BATTISE, III,)	
)	
Plaintiff,)	
)	
v.)	CV424-005
)	
U.S. BANK NATIONAL)	
ASSOCIATION,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

The Court previously directed *pro se* plaintiff Herbert J. Battise, III to supplement his application to proceed *in forma pauperis* to clarify his financial status. *See* doc. 6. The deadline for him to comply with that Order has passed. *See id.* at 4. He has not complied. *See generally* docket. The Court’s prior Order warned him that “[f]ailure to comply with this Order may result in a recommendation that his case be dismissed.” *Id.* at 5.

This Court has the authority to prune cases from its docket where parties have failed to comply with its Orders or failed to prosecute their claims. *See* S.D. Ga. L.R. 41.1(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630–31 (1962) (courts have the inherent authority to dismiss

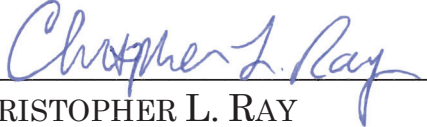
claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989) (“The district court possesses the inherent power to police its docket.”); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992). Battise’s failure to respond to the Court’s prior Order merits dismissal. *Cf. Brown v. Tallahassee Police Dept.*, 205 F. App’x 802, 802 (11th Cir. 2006) (“Dismissal pursuant to Rule 41(b) upon disregard of an order, especially where the litigant has been forewarned, generally is not an abuse of discretion.” (internal quotation marks and citation omitted)).

Accordingly, Battise’s Complaint should be **DISMISSED**. *See, e.g.*, Fed. R. Civ. P. 41(b). His Motion to Proceed *In Forma Pauperis* should be **DISMISSED** as moot. Doc. 2. This Report and Recommendation (R&R) is submitted to the district judge assigned to this action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 72.3. Within 14 days of service, any party may file written objections to this R&R with the Court and serve a copy on all parties. The document should be captioned “Objections to Magistrate Judge’s Report and Recommendations.” Any request for additional time to file objections

should be filed with the Clerk for consideration by the assigned district judge.

After the objections period has ended, the Clerk shall submit this R&R together with any objections to the assigned district judge. The district judge will review the magistrate judge's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that failure to timely file objections will result in the waiver of rights on appeal. 11th Cir. R. 3-1; *see Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Mitchell v. United States*, 612 F. App'x 542, 545 (11th Cir. 2015).

SO REPORTED AND RECOMMENDED, this 31st day of January, 2024.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA